



National Aeronautics and
Space Administration

Principal Center for Regulatory Risk Analysis and Communication

Regulatory Tracking Summary

05 June 2009

This report summarizes regulatory items reviewed by the NASA RRAC PC. Items that appeared to have limited interest to the NASA community, or are provided for information only, are shown in light gray text. Notes and comments by the RRAC PC are shown in bold, blue text under "Description." Related documents and citations, such as "71 FR 51967," are linked to the appropriate document for quick access. Suggested follow-up actions are noted with significant items; users are advised that other follow-up actions may be appropriate for their program or facility.

Previous issues of this regulatory summary are archived on the RRAC PC website at <http://www.rracpc.org>. Comments, questions, suggestions, and requests for further information should be directed to the RRAC PC Manager, Sharon Scroggins at 256-544-7932 (sharon.scroggins@nasa.gov).

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Acronyms

AB = Assembly Bill	OAC = Ohio Administrative Code
BACT = Best available control technology	OEPA = Ohio Environmental Protection Agency
BBP = Benzylbutylphthalate	OSPR = Office of Spill Prevention and Response
BEHP = Bis(2-ethylhexyl)phthalate	Pb = lead
BMAP = Basin Management Action Plan	PBT = Persistent bioaccumulative and toxic
CAA = Clean Air Act	PM2.5 = Particulate matter having an aerodynamic equivalent diameter of 2.5 microns or less
CCR = <i>California Code of Regulations</i>	ppm = Parts per million
CFR = <i>Code of Federal Regulations</i>	PSD = Prevention of significant deterioration
COMAR = <i>Code of Maryland Regulations</i>	RACT = Reasonable available control technology
CRNR = California Regulatory Notice Register	REACH = Registration, Evaluation, and Authorization of Chemicals
DBP = Dibutylphthalate	RIN = Regulatory Identification Number
DIAL = Differential Absorption Light Detection and Ranging	RRAC PC = Principal Center for Regulatory Risk Analysis and Communication
ECHA = European Chemical Agency	SCCP = short chained chlorinated paraffin
EPA = U.S. Environmental Protection Agency	SIP = State Implementation Plan
EU = European Union	SVHC = Substance of very high concern
F.A.C. = Florida Administrative Code	TCEQ = Texas Commission on Environmental Quality
FAW = Florida Administrative Weekly	TMDL = Total maximum daily load
FDEP = Florida Department of Environmental Protection	TSCA = Toxic Substances Control Act
FR = <i>Federal Register</i>	U.S. = United States
GHG = Greenhouse gas	UAC = Utah Administrative Code
HAP = Hazardous air pollutants	UDAQ = Utah Division of Air Quality
HBCDD = Hexabromocyclododecane	Va.R. = <i>Virginia Register</i>
MDA = 4,4'-Diaminodiphenylmethane	VAC = Virginia Administrative Code
MDE = Maryland Department of the Environment	VDEQ = Virginia Department of Environmental Quality
Md.R. = <i>Maryland Register</i>	VOC = Volatile organic compound
NAAQS = National Ambient Air Quality Standards	vPvB = Very persistent and very bioaccumulative
NASA = National Aeronautics and Space Administration	WCI = Western Climate Initiative
NESHAP = National Emission Standards for Hazardous Air Pollutants	WSTF = White Sands Test Facility
NMAC = New Mexico Administration Code	
NO _x = Nitrogen oxides	
NRC = Nuclear Regulatory Commission	
NSR = New Source Review	

1.0 U.S. Federal Regulatory Review

1.1 Federal Register Summary

This summary includes FR items that were reviewed for potential impacts to NASA Centers and Programs.

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED060509-1	CAA NAAQS-PM2.5	06/01/2009	74 FR 26098	Notice	Implementation of the New Source Review Program for Particulate Matter Less Than 2.5 Micrometers [40 CFR Parts 51 and 52] Announces that EPA has granted a petition for reconsideration with respect to the final rule for Implementation of the NSR Program PM2.5 (73 FR 28321 , 05/16/2008). In addition, EPA has administratively stayed one of the provisions to which the petitioners objected--a "grandfathering" provision for PM2.5 contained in the PSD program. The stay is effective from 06/01/2009 until 09/01/2009. [RIN 2060-AN86]	
FED060509-2	CAA NESHAP-Paints and Allied Products	06/01/2009	74 FR 26142	Proposed Rule	NESHAP: Area Source Standards for Paints and Allied Products Manufacturing [40 CFR Part 63] Proposes controls for HAP emissions from the production of coatings and related products at area source facilities. Comments due 07/01/2009 unless a public hearing is requested by 06/11/2009. If a hearing is requested, comments due 07/16/2009. [RIN 2060-AN47] An area source of HAP is a source with the potential to emit less than 10 tons of a single HAP or 25 tons of a combination of HAPs annually.	NASA Programs should be aware of the proposed requirements, which could affect supply chains or result in reformulations.
FED060509-3	Government Contracting	05/29/2009	74 FR 25775	Notice	Office of Management and Budget, Executive Office of the President Notification of a Public Meeting on the Presidential Memorandum on Government Contracting Announces a public meeting on the Presidential Memorandum on Government Contracting (74 FR 9755 , 03/06/2009). Requests comments on the following: <ul style="list-style-type: none"> Maximizing the use of competition Improving practices for selecting contract types Strengthening the acquisition workforce Clarifying when functions should be performed by federal employees and when contractors may be appropriately considered Public meeting scheduled for 06/18/2009 in Washington, D.C. Comments due 06/17/2009.	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED060509-4	Hazardous Materials Transportation Radioactive Material	06/02/2009	74 FR 26460	Notice	<p>Pipeline and Hazardous Materials Safety Administration</p> <p>Hazardous Materials: Request for Comments on Issues or Problems Concerning International Atomic Energy Agency Regulations for the Safe Transport of Radioactive Materials</p> <p>Request comments on issues or problems concerning requirements in the International Atomic Energy Agency Regulations for the Safe Transport of Radioactive Material. Comments due 06/15/2009.</p>	
FED060509-5	NASA Centennial Challenges 2009 Lunar Lander Challenge	05/27/2009	74 FR 25282	Notice	<p>National Aeronautics and Space Administration</p> <p>Notice of Centennial Challenges--2009 Lunar Lander Challenge</p> <p>Notice that the 2009 Lunar Lander Challenge is now scheduled and teams that wish to compete may soon register. The Lunar Lander Challenge is a prize competition designed to accelerate technology developments in reusable rocket-powered vehicles including vehicles capable of ferrying cargo or humans between lunar orbit and the lunar surface, as well as future Earth launch vehicles or other rocket-powered vehicles. The 2009 Lunar Lander Challenge will be held as an open period of competition for flight attempts between 07/01/2009 and 10/31/2009 at locations chosen by the competing teams.</p>	
FED060509-6	NASA Centennial Challenges 2009 Power Beaming Challenge	05/28/2009	74 FR 25581	Notice	<p>National Aeronautics and Space Administration</p> <p>Notice of Centennial Challenges--2009 Power Beaming Challenge</p> <p>Notice that the 2009 Power Beaming Challenge is now scheduled and teams that wish to compete may register. The 2009 Power Beaming Challenge is a prize competition designed to promote the development of new power transmission technologies with applications in energy systems, transportation, and emergency operations. Significant improvements in power beaming could contribute to evolutionary advances in space transportation, as well as in other areas. Contest to be held 07/14/2009 through 07/16/2009 at the Dryden Flight Research Center.</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED060509-7	Regulatory Communication	05/26/2009	74 FR 24850	Notice	<p>Regulations.gov Information Collection</p> <p>Notice of the launch of the Regulations.gov 'feedback exchange' Web site. The Regulations.gov 'feedback exchange' Web site will provide the public with a preview of new technologies considered for Regulations.gov, and a method to provide feedback on these technologies. Technologies considered for the Regulations.gov 'feedback exchange' include the following:</p> <ul style="list-style-type: none"> ▪ User Profiles ▪ Comment Threads and Wikis ▪ Ratings, Polls, and Tagging ▪ Interactive Educational Tool ▪ Information Export capability <p>These technologies will be deployed iteratively, with components deployed upon the site's release and during subsequent upgrades. Comments due 07/27/2009.</p>	
FED060509-8	Renewable Fuel Standard Program	05/26/2009	74 FR 24903	Proposed Rule	<p>Regulation of Fuels and Fuel Additives: Changes to Renewable Fuel Standard Program [40 CFR Part 80]</p> <p>Proposes to revise the Renewable Fuel Standard Program regulations. The revised statutory requirements specify the volumes of cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel that must be used in transportation fuel each year, with the volumes increasing over time. Also would include new definitions and criteria for both renewable fuels and the feedstocks used to produce them, including new GHG emission thresholds for renewable fuels. For the first time in a regulatory program, an assessment of GHG emission performance is being used to establish fuels that qualify for the four different renewable fuel standards. Comments due 07/27/2009. Public hearing to be held 06/09/2009 in Washington, D.C. Workshop to be held 06/10/2009 and 06/11/2009 in Washington, D.C., to present details of the lifecycle greenhouse gas analysis. [RIN 2060-A081]</p>	
FED060509-9	Toxic Substances Chemical Exposure	06/03/2009	74 FR 26713	Notice	<p>Centers for Disease Control and Prevention</p> <p>National Center for Environmental Health/Agency for Toxic Substances and Disease Registry ; Notice of National Conversation on Public Health and Chemical Exposures Kickoff Meeting</p> <p>Notice of a public meeting to launch the National Conversation on Public Health and Chemical Exposures, a collaborative initiative to identify and prioritize actions for revitalizing the nation's public health approach to chemical exposures. Meeting scheduled for 06/26/2009 in Washington, D.C.</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED060509-10	Safety Prevention through Design	06/02/2009	74 FR 26409	Notice	<p>National Institute for Occupational Safety and Health</p> <p>Prevention Through Design (PtD) Plan for the National Initiative</p> <p>Announces availability of the draft technical report entitled "Prevention through Design Plan for the National Initiative." The report establishes implementation goals for the PtD Initiative, which is intended to eliminate hazards and minimize risks to workers throughout the life cycle of work premises, tools, equipment, machinery, substances, and work processes including their construction, manufacture, use, maintenance, and ultimate disposal or re-use. The announcement and further information are posted on the NIOSH website. Comments due 08/21/2009.</p> <p>This is a guidance document and does not have the force and effect of law.</p>	NASA Centers and Programs should be aware of this initiative. Programs should consider reviewing the report to assess potential obsolescence impacts.

1.2 Significant News and Other Developments

1.2.1 ECHA Recommends Specific Authorization for Seven SVHC

On 2 June 2009, the European Chemical Agency (ECHA) recommended that seven substances of very high concern (SVHCs) not be used without specific authorization due to reproductive toxicity; carcinogenicity; persistent, bioaccumulative and toxic (PBT); or very persistent and very bioaccumulative (vPvB) properties. ECHA's list of SVHCs includes 15 chemicals. The authorization process is an important component of REACH to manage the risks from SVHCs by properly controlling their usage and verifying that they are phased out. The seven chemicals proposed for inclusion on the Authorization List include the following:

- 4,4'-diaminodiphenylmethane (MDA)-carcinogenic
used in epoxy resins & adhesives
- Short chained chlorinated paraffins (SCCPs)-PBT and vPvB
used as flame retardants, plasticizers for high-performance rubbers, sealants, coatings, textile coatings
- Hexabromocyclododecane (HBCDD)-PBT
used as flame retardant in production of insulation panels/boards, packaging products, textiles, others
- Bis(2-ethylhexyl)phthalate (DEHP)-Reproductive toxicity
used as plasticizer in PVC and other polymers applications, including textile coatings, sealants, adhesives, inks, etc.
- Benzylbutylphthalate (BBP)-Reproductive toxicity
used as plasticizer in polymers, including PVC textile coatings, other coatings, sealants, adhesives, inks

- Dibutylphthalate (DBP)–Reproductive toxicity
used as plasticizer in PVC and non-PVC polymer applications and as an additive in coatings, adhesives, other materials
- 5-tert-butyl-2,4,6-trinitro-m-xylene (musk xylene)–vPvB
used primarily in fragrance formulations

The European Commission will conduct a comitology procedure to review and determine if these seven SVHCs will be included on the Authorization List, which would require authorization for future use of these chemicals in the EU. Additional information is available on [ECHA's website](#).

1.2.2 Scientists Convene to Discuss New Method to Study How Toxic Chemicals Affect Human Health

In 2007, EPA launched the ToxCast™ research program for prioritizing and expediting the toxicity testing of large numbers of chemicals to identify how chemicals in our environment affect important human biological pathways. The objective of ToxCast™ is to help EPA establish under what conditions environmental exposures pose risks to human health.

During the first phase of ToxCast™, EPA researchers conducted more than 200,000 experiments looking at the interactions between approximately 300 chemicals and 500 biological targets such as hormone receptors and liver enzymes. EPA is now preparing for a second phase of the ToxCast™ program that will expand on the first phase. The second phase will screen additional compounds to evaluate the predictive links to human toxicity outcomes that were developed in Phase One. EPA will complete this phase over the next several years. These screening phases will be used to validate ToxCast™, which may then be used by regulators as a computational method for evaluating potential human health impacts.

Additional information regarding the ToxCast™ program is available on [EPA's website](#).

1.2.3 Western Climate Initiative

The WCI has scheduled several upcoming meetings and events, including the following:

- Stakeholder Update Call will be held 18 June 2009
- The Markets Committee Verification and Enforcement Task Group is hosting two upcoming webinars. See the WCI [Meetings and Events page](#) for further details.

In addition, the Cap Setting and Allowance Distribution Committee has released [two white papers and a set of discussion questions](#) for stakeholder review and comment. These materials were the focus of the 28 May 2009 Cap Setting and Allowance Distribution Committee stakeholder workshop. Further information on the WCI is available on their [website](#).

1.3 Regulatory Communication Working Group Updates

Regulatory Communication Working Group Calls in 2009 will be held on the following Wednesdays at 12 p.m. CT:

- 17 June
- 1 July
- 15 July
- 5 August
- 19 August
- 2 September
- 16 September
- 7 October
- 21 October
- 4 November
- 18 November
- 2 December

2.0 State Regulatory Reviews

The following sections provide details of the regulatory actions reviewed for selected states in which NASA facilities and related operations are located.

2.1 Alabama State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Alabama.

2.2 California State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in California. Citations of the [CRNR](#) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (pdf) file format.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA060509-1	Air Diesel Engine Emissions	06/05/2009	CRNR 2009, 232, p. 857	Notice Public Hearing	<p>Air Resources Board</p> <p>Notice of Public Hearing to Consider Proposed Amendments to the Regulation for In-Use Off-Road Diesel-Fueled Fleets [13 CCR 2449(c), 2449(c)(26), 2449(c)(38), 2449(e)(6), 2449(e)(8), 2449(g), 2449(h), 2449.1(a)(2)(A), 2449.1(a)(2)(A)2.a., 2449.2(a)(2)(A), and 2449.2(a)(2)(A)2.a]</p> <p>Announces a hearing to consider adopting changes to the regulations on in-use off-road diesel fleets. Specifically, the proposed rules address the following:</p> <ul style="list-style-type: none"> ▪ BACT schedule revisions ▪ Credit for reduced activity and vehicle retirement ▪ Exempting vehicles that are retrofit early from future turnover ▪ Double credit for NOx retrofits ▪ Repower credit ▪ Extended double retrofit credit for small and medium fleets ▪ Other minor modifications and clarifications <p>The hearing is scheduled for 07/23/2009 in San Diego, California. Further information is available on the rulemaking website. Comments due 07/22/2009.</p>	Facilities located in California should be aware of the proposed changes.
CA060509-2	Air SIP-Ozone	05/27/2009	74 FR 25153	Direct Final Rule	<p>U.S. Environmental Protection Agency</p> <p>Approval and Promulgation of Air Quality Implementation Plans; California; Determination of Attainment of the 1-Hour Ozone Standard for the Ventura County Area [40 CFR 52]</p> <p>Announces finding that the Ventura County ozone nonattainment area has attained the 1-hour ozone NAAQS by the applicable attainment date. Because of meeting this goal, the area will not be subject to contingency measures or CAA penalty fee requirements. Effective 07/27/2009.</p>	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA060509-3	Endangered Species	06/05/2009	CRNR 2009, 23z, p. 881	Notice Public Hearing	Fish and Game Commission American Peregrine Falcon Announces a finding that it is warranted to remove the American Peregrine Falcon from the endangered species list. Public hearing is scheduled for 06/25/2009 in Woodland, California.	
CA060509-4	Oil Spills	05/29/2009	CRNR 2009, 22z, p.830	Final Rule	Office of Spill Prevention and Response Contingency Plans [14 CCR 790, 818.02, 827.02] Finalizes more stringent response times and booming capabilities in certain areas based on OSPR's evaluation of the potential risks of serious harm and capabilities to cover those risks. Effective 07/01/2009.	
CA060509-5	Oil Spills	05/29/2009	CRNR 2009, 22z, p.831	Final Rule	Office of Spill Prevention and Response Administrative Compliance Actions [14 CCR 874.2.5 AMEND: 790, 873.1, 873.2, 873.4, 873.5, 873.7, 874.2, 877.2, 877.3 REPEAL: 873.3] Adds inland oil spills to the marine oil spills already encompassed by the regulations. Enables the OSPR to levy more substantial fines for egregious or deliberate violations that may not necessarily cause an oil spill. Also revises the administrative hearing process regarding hearing postponements and discovery requirements. Effective 06/13/2009.	
CA060509-6	Safety Fire Prevention	05/29/2009	CRNR 2009, 22z, p.805	Proposed Rule	Board of Forestry and Fire Protection Fire Prevention Precaution, 2009 (14 CCR 938.8) Proposes to amend fire inspection regulations related to timber harvesting operations. Public hearing is scheduled for 08/05/2009 in Sacramento, California. Comments due 07/13/2009.	
CA060509-7	Safety Generators, Pressurized Operations	05/29/2009	CRNR 2009, 22z, p.787	Proposed Action Public Hearing	Occupational Safety and Health Standards Board Notice of Public Meeting/Public Hearing/Business Meeting of the Occupational Safety and Health Standards Board and Notice of Proposed Changes to Title 8 of the California Code of Regulations [8 CCR 2395.6, 6070, 6074, 6075, 6080, 6085, 6087, 6089, 6090, 6100, 6115, and 6120, Appendixes A and B] Proposed changes relate to portable and vehicle-mounted generators and pressurized worksite operations. Public hearing is scheduled for 07/16/2009 in Los Angeles, California. Comments due 07/16/2009.	

2.3 Colorado State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Colorado.

2.4 Florida State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Florida.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL060509-1	Hazardous Waste	05/08/2009	FAW Notice #7147074 , #7147268 , #7147365 , #7147462 , #7147559 , #7147753 , #7147947 , #7148044 , #7148238 , #7148335 , and #7148529	Final Rule	Chapter 62–FDEP 730–Hazardous Waste Final rule incorporates by reference the changes made to the federal hazardous waste regulations, 40 CFR 260 and 261, between 07/01/2007 and 06/30/2008. Effective 05/08/2009.	
FL060509-2	Water Groundwater	05/29/2009	FAW Notice #7178502	Notice of Change	Chapter 62–FDEP 520–Groundwater Classes, Standards, and Exemptions Changes have been made to the proposed rule published in FAW Notice #5752311 that combine Chapters 62-520 and 62-522, F.A.C., into one chapter to provide the following amendments: <ul style="list-style-type: none"> ▪ Facilitate finding rule requirements more easily ▪ Update requirements for groundwater monitoring plans ▪ Better describe procedures for obtaining water quality criteria exemptions ▪ Include two new guidance documents ▪ Update a form Changes are listed in the FAW Notice .	
FL060509-3	Water Surface Water	05/29/2009	FAW Notice #7191500	Notice Workshop	Chapter 62–FDEP 302 – Surface Water Quality Standards, 303 – Identification of Impaired Surface Waters Announces a workshop to present information and receive public comments about proposed revisions to Chapters 62-302, Surface Water Quality Standards, and 62-303, Identification of Impaired Surface Waters. This meeting will continue the discussion of the technical basis for the numeric nutrient criteria for streams, lakes, and springs, and will include discussion of the proposed rule language in Chapters 62-302 and 62-303, F.A.C. The workshop will be held 07/22/2009 in Marco Island, Florida.	
FL060509-4	Water TMDLs	05/29/2009	FAW Notice #7192664	Notice Meeting	Chapter 62–Indian River Lagoon Basin Management Action Plan (BMAP) Announces a meeting to discuss implementation of TMDLs in the Indian River Lagoon Basin. Primary topics for discussion are an overview of the BMAP development process and associated technical issues related to BMAP development. The meeting will be held 06/12/2009 in Cocoa, Florida.	

2.5 Louisiana State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Louisiana.

2.6 Maryland State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Maryland.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
MD060509-1	Air Quality SIP-VOCs	05/26/2009	74 FR 24703	Final Rule	U.S. Environmental Protection Agency Approval and Promulgation of Air Quality Implementation Plans; Maryland; Reasonably Available Control Technology Requirements for Volatile Organic Compounds: Correction [40 CFR Part 52] Corrects errors in the amendatory instructions regarding conversion of Maryland's VOC RACT regulations from conditional limited approval to full approval. Effective date 05/26/2009.	
MD060509-2	Radiation Air Quality	06/05/2009	36:12 Md.R. 839	Final Action	Department of the Environment Radiation Protection Finalizes amendments to the Radiation Protection regulations by incorporating Supplement 17 into COMAR 26.12.01.01 . This supplement incorporates minor NRC amendments and corrections to rules relating to control of radioactive materials, as well as new NRC rules relating to nationally tracked radioactive materials. Minor changes also include scheduled maintenance of radiation machines, as well as public posting of notices of violation. Effective date 06/15/2009.	
MD060509-3	Radiation Air Quality	06/05/2009	36:12 Md.R. 839	Final Action	Department of the Environment Radiation Protection Finalizes amendments to the Radiation Protection regulations by incorporating Supplement 16 into COMAR 26.12.01.01 . This supplement incorporates revised U.S. NRC regulations on packaging and transporting radioactive material. The NRC has revised these regulations to make them compatible with the latest International Atomic Energy Agency standards for safe transportation of radioactive material. Effective date 06/15/2009.	

2.7 Mississippi State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Mississippi.

2.8 New Mexico State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in New Mexico.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
NM06052009-1	Storage Tanks	05/29/2009	NM Register Vol. XX, p.540	Adopted Rules	<p>Environment Department</p> <p>20.5 NMAC Petroleum Storage Tanks</p> <p>Revisions to the New Mexico Petroleum Storage Tank regulations are as follows:</p> <ul style="list-style-type: none"> Repealed: <ul style="list-style-type: none"> 20.5.17 NMAC–Petroleum Storage Tanks, Corrective Action Fund Administration New: <ul style="list-style-type: none"> 20.5.17 NMAC–Petroleum Storage Tanks, Corrective Action Fund Administration <p>Effective 06/15/2009.</p>	WSTF should be aware of these changes to petroleum storage tank regulations.
NM06052009-2	Storage Tanks	05/29/2009	NM Register Vol. XX, p.551, 559, 561, 562, 575, 587, 592, 594, 597	Adopted Rules	<p>Environmental Improvement Board</p> <p>20.5 NMAC Petroleum Storage Tanks</p> <p>Revisions to the New Mexico Petroleum Storage Tank regulations are as follows:</p> <ul style="list-style-type: none"> Repealed: <ul style="list-style-type: none"> 20.5.1 NMAC–Petroleum Storage Tanks, General Provisions 20.5.7 NMAC–Petroleum Storage Tanks, Reporting and Investigation of Suspected and Confirmed Releases 20.5.10 NMAC–Petroleum Storage Tanks, Administrative Review 20.5.12 NMAC–Petroleum Storage Tanks, Corrective Action for Storage Tank Systems Containing Petroleum Products 20.5.13 NMAC–Petroleum Storage Tanks, Corrective Action for UST Systems Containing Other Regulated Substances 20.5.14 NMAC–Petroleum Storage Tanks, Certification of Tank Installers 20.5.15 NMAC–Petroleum Storage Tanks, Corrective Action Fund Use and Expenditures 20.5.16 NMAC–Petroleum Storage Tanks, Qualification of Persons Performing Corrective Action New: <ul style="list-style-type: none"> 20.5.1 NMAC–Petroleum Storage Tanks, General Provisions 20.5.7 NMAC–Petroleum Storage Tanks, Reporting and Investigation of Suspected and Confirmed Releases 20.5.10 NMAC–Petroleum Storage Tanks, Administrative Review 20.5.12 NMAC–Petroleum Storage Tanks, Corrective Action for Storage Tank Systems Containing Petroleum Products 20.5.13 NMAC–Petroleum Storage Tanks, Corrective Action for UST Systems Containing Other Regulated Substances 20.5.14 NMAC–Petroleum Storage Tanks, Certification of Tank Installers 20.5.15 NMAC–Petroleum Storage Tanks, Corrective Action Fund Use and Expenditures 20.5.16 NMAC–Petroleum Storage Tanks, Qualification of Persons Performing Corrective Action 20.5.18 NMAC–Petroleum Storage Tanks, Operator Training <p>Effective 06/15/2009.</p>	WSTF should be aware of these changes to petroleum storage tank regulations.

2.9 Ohio State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Ohio.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH06052009-1	Air NAAQS	05/29/2009	Public Notice	Final Rule	<p>Division of Air Pollution Control, OEPA</p> <p>Amended Rules—Ohio's Ambient Air Quality Standards [OAC 3745-25-03]</p> <p>Corrects a typographical error to Air Quality Standard rules filed on 04/08/2009. The proposed changes will return the language to the original intended wording and restore the proper "warning" level for nitrogen dioxide to match the level in Ohio's SIP for attaining and maintaining the NAAQS under the CAA. The synopsis and responsive summary to comments contain details regarding changes made to the proposed rule. Public hearing is scheduled for 06/30/2009 at OEPA Lazarus Government Center, Columbus, Ohio.</p> <p>SIP References:</p> <p>General Provisions—40 CFR Part 52 Subpart A Ohio SIP—40 CFR Part 52 Subpart KK</p>	
OH06052009-2	Water Wetland Permits	05/29/2009	Notice	Permit Process Update	<p>Division of Surface Water, OEPA</p> <p>Changes to Level One Isolated Wetland Permit Application Procedures</p> <p>Modifies the Level One Isolated Wetland Permit Application and creates a set of instructions to assist applicants in preparation of the application. An Isolated Wetland Permit may be required for projects that physically affect waters of the state, including streams, lakes, and wetlands. Effective 07/01/2009.</p>	

2.10 Texas State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Texas. Citations of the *Texas Register* are linked within the text to the corresponding entry in the version of the *Texas Register*. Current and historical versions of the *Texas Register* can be downloaded from the [Texas Register section of the Texas Secretary of State website](#).

2.10.1 Stakeholder Group: Section 185 Severe Nonattainment Area Fees

TCEQ will hold a meeting for the [Section 185 Severe Nonattainment Area Fees Stakeholder Group](#). An overview of draft rule language will be presented and an update will be provided regarding any legislative activity affecting the proposed Section 185 fees. A summary of issues discussed by the CAA Advisory Committee Section 185 Task Force also will be presented. A [letter](#) summarizing these issues was sent to EPA on 15 May 2009.

Major stationary sources in the Houston/Galveston/Brazoria severe ozone nonattainment are subject to Section 185 of the federal CAA penalty fee if the area fails to attain the NAAQS by the attainment date. The required penalty is \$5,000 per ton, as adjusted by the consumer price index, of VOC or NO_x emitted in excess of 80 percent of the stationary source's baseline emissions. TCEQ is seeking stakeholder input to assist in determining the most appropriate approach in developing rules to meet the federal requirements.

The meeting will be held 12 June 2009 at 9:30 a.m. at the Houston-Galveston Area Council.

2.10.2 Remote Sensing of Sources of Benzene in Houston Ship Channel Area

During June, TCEQ and the University of Houston will conduct a project to field test a new type of remote sensing technology intended to identify sources of benzene emissions, according to a [TCEQ news release](#). A helicopter equipped with specialized remote sensing technology known as Differential Absorption Light Detection and Ranging (DIAL) will be flown over industrial facilities in the Houston Ship Channel area. Although ground-based and airborne DIAL systems have been used for many years, a specialized airborne benzene detection system has never been used in a field setting. The project is part of an ongoing TCEQ effort to identify sources of VOC emissions in the Houston Ship Channel area.

2.11 Utah State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Utah.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
UT06052009-1	Air Lead-based Paint	06/01/2009	UT Bull. Vol. 2009-5: DAR File No. 32656	Notice of Continuation	UDAQ; Department of Environmental Quality Lead-based Paint Accreditation, Certification, and Work Practice Standards (UAC R307-840) Announces a recommendation to continue this rule, as determined necessary under the 5-year review process. Continuation of the rule allows the Air Quality Board to implement the lead-based paint requirements for training, certification, and performance under TSCA. Effective 05/07/2009.	

2.12 Virginia State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Virginia. Citations of the [Virginia Register](#) (Va.R.) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (pdf) file format.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA060509-1	Air NAAQS-Pb	05/25/2009	25:19 Va.R. 3297	Final Rule	State Air Pollution Control Board 9 VAC5-20, 9 VAC5-30 Updates Virginia regulations for lead to a level of 0.15 ppm, to be consistent with the EPA NAAQS regulation at 40 CFR 50.12 . Effective 06/24/2009.	
VA060509-2	Air NSR	06/03/2009	Rulemaking website	Proposed Rule	State Air Pollution Control Board 9 VAC5-80 Proposes provisions to combine the terms and conditions of the NSR program into a single permit. Comments due 07/08/2009.	
VA060509-3	Air Permitting	05/25/2009	25:19 Va.R. 3302	Final Rule	State Air Pollution Control Board 9 VAC5-80-1170 Revised to indicate that comments on permits for stationary sources will be accepted for at least 15 days after any hearing. Effective 06/24/2009.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA060509-4	Air VOCs	06/03/2009	Rulemaking website	Proposed Rule	State Air Pollution Control Board 9 VAC 5-45 and 9 VAC5-20-21 Proposes revisions to control emissions of VOCs from consumer and commercial products in certain locations. Comments due 08/10/2009.	
VA060509-5	Water Storm Water	05/25/2009	25:19 Va.R. 3304	Final Rule	State Water Control Board 9 VAC25-151 Reissues the existing General Virginia Pollutant Discharge Elimination System permit for storm water discharges associated with industrial activity. Effective 06/24/2009.	